

VZCZCXRO4602
RR RUEHDE
DE RUEHDO #0213/01 0441031
ZNR UUUUU ZZH
R 131031Z FEB 06
FM AMEMBASSY DOHA
TO RUEHC/SECSTATE WASHDC 4254
INFO RUEHZM/GULF COOPERATION COUNCIL COLLECTIVE

UNCLAS SECTION 01 OF 02 DOHA 000213

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E.O. 12958: N/A

TAGS: [PHUM](#) [PGOV](#) [PREL](#) [SOCI](#) [QA](#)

SUBJECT: HUMAN RIGHTS STANDARDS IN QATAR,S LEGISLATION

¶1. Summary: At a recent workshop sponsored by the National Human Rights Committee (NHRC), participants examined and discussed the extent to which Qatar's constitution and legislation meets international human rights standards. Participants from the government sector, academia, the press and quasi civil society organizations freely debated areas of strengths and weaknesses in Qatari legislation and welcomed the opportunity to express these views openly in front of a diverse audience. They were notably critical of laws that diverged from constitutional provisions by sanctioning discrimination and undermining the rights of citizens. End Summary.

WORKSHOP ON HUMAN RIGHTS

¶2. As part of a broader campaign aimed at raising awareness about human rights, the National Human Rights Committee (NHRC) recently held a workshop on human rights in Qatar's constitution and legislation. In his welcoming remarks to participants, Ali Bin Simaikh Al-Marri, secretary general of the NHRC, observed that Qatar had witnessed a revolution in legislation during 2004-2005. This development in turn created the need for educating citizens about their rights and duties. The workshop was attended by approximately 35 men and women from, among others, the general prosecution, the ministries of Interior, Justice and Civil Service Affairs, the Supreme Council for Family Affairs, Qatar Foundation for the Protection of Women and Children, the General Authority for Charitable Works, and news media.

CONSTITUTIONAL DIVIDE

¶3. The three-day workshop was composed of lectures followed by question-and-answer sessions. Presenters included prominent professors from Qatar University: Dr. Yousef Obaidan from the political science department, Drs. Hassan Al-Sayyed and Fawzi Seddiq from the Law Faculty, and legal counselors from the NHRC, Mohammed Fouad and Sayyed Gad Allah. Presenters addressed civil and political rights, and economic, social and cultural rights, respectively, as enshrined in the UN International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. Participants were provided with an overview of the provisions of both Covenants and then had the opportunity to analyze the extent to which the Qatari constitution and other legislation provided for those rights.

¶4. During the workshop, participants questioned the rationale of drafters for using other GCC constitutions and legislation as models for Qatar, in light of the problems that have emerged after the promulgation of those constitutions. They questioned the enactment of laws inconsistent with constitutional provisions and commented that the inability to reconcile these discrepancies undermines the rights of citizens and call into question the legitimacy of the

constitution. Participants referred to the case of Kuwait. Some laws there discriminate against residents known as "bidouns," i.e., those without nationality, although the constitution confirms the equality of all people before the law without distinction as to origin or other factors. Other inconsistencies were found in legislation affecting women. Participants gave as example nationality laws which, they assert, discriminate against women by not allowing them to confer nationality on their husbands. In so doing, the laws sanction discrimination against women and facilitate their unequal treatment, direct contradictions to constitutional provisions.

THE RIGHT TO ENVIRONMENT

15. On the topic of the environment, participants agreed that the government had taken the positive initiative of protecting the environment in Qatar and complied with the international laws and conventions on this issue even though pollution in Qatar had not yet reached alarming levels. However, the government still needs to address other environmental protection laws and give more attention to regional environmental issues affecting the waters and shores of Qatar. Participants highlighted the need to coordinate with other GCC States and international environmental bodies to keep the gulf waters and shores clean.

EXPRESSION & GOVERNMENT CONTROL

17. In the final session of the workshop focused on the "right

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of opinion and expression," participants voiced concern about the lack of legislation on this matter. Although the constitution provide for freedom of expression, in practice, anyone can be criminalized for expressing his or her opinion on certain topics such as the ruling family and "sensitive political issues." Other areas of concern included: the inability of members of parliament to express their views except inside parliament or in one of the committees; the lack of a body or institution to ensure that governmental actions and legislation are not in conflict with the constitution; and the constitutionality of the law of publications which restricts what gets published in the media. Final comments addressed the composition of the NHRC. According to the presenter, the structure of the NHRC violates the Paris Principles, the UN Resolution that established the role, composition, status and functions of national human rights institutions. The participants asserted that, contrary to the Paris Principles, the NHRC includes government representatives on the board whose role exceeded that of simply serving in an advisory capacity.

THE RIGHT PATH

18. Overall, participants were very satisfied with the workshop. They acknowledged the novelty of the experience itself and the opportunity it provided them to discuss in a public forum human rights in the constitution and legislation. While participants recognized that some legislation and practices were weak or incompatible with regard to international human rights norms and standards and that legislative reform was still needed in particular areas, they agreed that Qatar is on the right path.

19. Embassy Comment. The workshop was a timely and unique event in that 1) Qatar's constitution came into force last June and 2) it represented the first time that members of the government and civil society were able to openly debate strengths and weaknesses in the constitution and legislation.

Although open debate about such issues is still a sensitive matter, these participants appeared to exchange views freely. Another positive outcome of the workshop was that the participants appeared determined to continue playing an active role in these types of public debates. The workshop also received extensive coverage by the press. The more animated debates on using other GCC constitutions as models for the Qatari one and laws discriminating against women, however, were absent in the reports. End Comment.

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